IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Criminal Application No. 235 of 2004

Shri Eknath Genuji Sandbhor .. Appellant
V/s.
Shri Macchindra Bhiwa Rakshe & Anr. .. Respondents

Smt. A.A. Agarwal for the Appellant.
Mr. D.P. Adsule, APP. for the Respondents.

CORAM : V.M. KANADE, J.
DATED : 09.09.2004.

P.C.:-

1. Heard the learned counsel appearing on behalf of the Appellant and the learned counsel appearing on behalf of the Respondents. The Appellant is challenging the judgment and order passed by the learned Judicial Magistrate, First Class, Khed.

2. The Respondents accused were charged under section 323 for having committed an offence under section 324, 323, 504 and 506 of the Indian Penal Code. The case of the complainant is that Reghunath was assaulted by the accused and thereafter he had taken Raghunath to hospital on a bicycle where he was examined by the doctor and a certificate was issued. Charge was framed on the basis of evidence, which was adduced by Reghunath. However, thereafter Raghunath was cross-examined. The Trial Court has disputed the case of the complainant on various grounds. The Trial Court has observed that it is difficult to accept the case of the complainant as he become unconscious due to the bleeding and that his wife had come to see the accused,

at a place which was 1-1/2 km away from his lands. The

Trial Court has also observed that there is dispute between the complainant and the accused and even prior to the present complaint is filed, other criminal cases were filed against the accused. The Trial Court has observed that Raghunath , who saw the incident and was the only eye witness was not examined. I do not see any reason to interfere. Leave refused. Appeal rejected.

(V.M. KANADE, J.)